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SIMMONS BEDDING COMPANY
and Defendant and Counterclaimant DREAMWELL, LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ZINUS, INC. a California Corporation,

Plaintiff,

v.

SIMMONS BEDDING COMPANY, a
Delaware corporation, and DREAMWELL,
LTD., a limited liability company of
Nevada,

Defendants.

Case No. 07-CV-03012-PVT

DECLARATION OF KENNETH B. WILSON IN
SUPPORT OF STIPULATION AND
PROPOSED ORDER ENLARGING BRIEFING
SCHEDULE FOR PLAINTIFF ZINUS'
MOTION FOR RECONSIDERATION OF THE
ORDER DENYING PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT OF NON-
INFRINGEMENT

Date: January 22, 2008
Time: 10:00 a.m.
Location: Courtroom 5
Before: The Honorable Patricia V. Trumbull

AND RELATED COUNTERCLAIMS

I, Kenneth B. Wilson, declare, in accordance with Civil Local Rule 6-2, as follows:

1. I am an attorney with the law firm of Perkins Coie LLP, counsel of record for
defendant Simmons Bedding Company ("Simmons") and defendant and counterclaimant
Dreamwell, Ltd. ("Dreamwell"). I have personal knowledge of the facts set forth in this
Declaration and can testify competently to those facts.

DECLARATION IN SUPPORT OF STIP.
RE BRIEFING SCHEDULE
07-CV-03012-PVT

1 2. I am the only attorney at Perkins Coie that has performed any substantive work on
2 the above-captioned litigation. I prepared Dreamwell's Opposition to plaintiff Zinus, Inc.'s
3 ("Zinus") original Motion for Partial Summary Judgment of Non-Infringement by myself, and am
4 the only lawyer with enough familiarity with the issues in the case to prepare responses to any
5 substantive motions in this matter.

6 3. On December 17, 2007, Zinus filed a Motion for Reconsideration of the Order
7 Denying Plaintiff's Motion for Summary Judgment of Non-Infringement (the "Motion for
8 Reconsideration"), and set the motion for hearing on January 22, 2008. Pursuant to Local Rule 7-
9 3, and given the court closures for the holiday, the Opposition to Zinus' Motion for
10 Reconsideration is currently due on December 28, 2007.

11 4. I would not have the time or opportunity to prepare an Opposition to Zinus'
12 Motion for Reconsideration on the current briefing schedule. Specifically, I will be out of the
13 office on vacation from December 19 through January 1, and will be out of the country and
14 without computer network access on a long-planned family vacation from December 20 through
15 December 28.

16 5. I spoke to counsel for Zinus about continuing the hearing date, but Zinus is
17 anxious to have its Motion for Reconsideration resolved at the earliest opportunity and does not
18 wish to extend the hearing date for the motion. However, subject to the Court's approval, Zinus
19 was willing to modify the briefing schedule on Zinus' Motion for Reconsideration as follows:
20 Dreamwell's Opposition to the motion would be filed on or before Tuesday, January 8, 2008, and
21 Zinus' Reply in support of the motion would be filed on or before Tuesday, January 15, 2008.
22 The hearing on the Motion for Reconsideration would remain scheduled for Tuesday, January 22,
23 2008. Accordingly, the parties have herewith submitted a Stipulation reflecting that agreement.

24 6. On July 11, 2007, the Court issued an Order Granting Defendants' Motion for
25 Enlargement of Time to Respond to Complaint, which extended the time for Defendants to
26 respond to Zinus' original Complaint by roughly three weeks. This afternoon the parties also
27 filed a Stipulation Extending Time to Respond to Second Amended Complaint, which
28 accommodates the same scheduling issues identified in the present Stipulation. I do not believe

1 there have been any other previous time modifications in the case, either by stipulation or Court
2 order.

3 7. The requested time modification should not have any effect on the schedule for the
4 case.

5 I declare under penalty of perjury under the laws of the United States of America that the
6 foregoing is true and correct.

7 Executed this 18th day of December, 2007 at San Francisco, California.

8
9
10 /s/
Kenneth B. Wilson